Current Activities at the Federal Level with respect to Emergency Notification Services

(1) A bill was introduced on May 13th, entitled the H.R. 6038: Integrated Public Alert and Warning System Modernization Act of 2008". For an overview of the bill, see http://www.govtrack.us/congress/bill.xpd?bill=h110-6038 and for the press release on the bill, with an overview, see http://republicans.transportation.house.gov/news/PRArticle.aspx?NewsID=384

(2) The Congressional Research Service issued a report on May 5th "***The Emergency Alert System (EAS) and All Hazard Warnings***". This May 2008 Congressional Research Service report (15 pages) provides an overview of emergency public alerting in the US, and is available at http://www.pti.org/docs-safety/EAS_DEAS_CMAS_May2008.pdf

(3) The FCC held a Summit on May 19th entitled "*Emergency Alert System: Promoting an Effective Emergency Alert System on the Road to a Next Generation EAS*". Additional details are below.

(4) On May 30th FEMA announced that, subject to certain conditions, it will perform the unified aggregator/gateway role for the Commercial Mobile Alert System, mandated by the Warning Alert Response Network (WARN) Act. Additional details are below. The FEMA announcement is available at http://www.fema.gov/news/newsrelease.fema?id=43619

(5) The House Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing on June 4, 2008 on the efforts within the Federal Government, in particular the Federal Emergency Management Agency ("FEMA"), to modernize, expand, and integrate existing emergency alert warning systems mainly through the Integrated Public Alert and Warning Systems ("IPAWS"). Committee member comments are below.

Following are additional details.

"Assuring Public Alert Systems Work to Warn American Citizens of Natural and Terrorist Disasters" a House Subcommittee Hearing

The Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing on June 4, 2008 on the efforts within the Federal Government, in particular the Federal Emergency Management Agency ("FEMA"), to modernize, expand, and integrate existing emergency alert warning systems mainly through the Integrated Public Alert and Warning Systems ("IPAWS").

The "Assuring Public Alert Systems Work to Warn American Citizens of Natural and Terrorist Disasters" hearing offered several witnesses the opportunity to talk about the way the system currently works, which requires residents in an affected area to actively listen to local television and radio stations or to pre-register with a service to receive alerts. The Committee is investigating possible ways to alert residents who are not listening for alerts and who haven't registered to receive them in any other way.

- **This memo, prepared for this hearing, explains the background and status of the Integrated Public Alert and Warning System (IPAWS).**

http://transportation.house.gov/Media/File/Economic%20Development/20080604/SSM_ED_6-4-08.pdf

- **Opening Statement By Chairman James L. Oberstar**
  http://transportation.house.gov/Media/File/Economic%20Development/20080604/JLO%20Final%20Statement.pdf

    - At the commencement of the IPAWS program, FEMA outlined a vision of an integrated alert and warning system that would be effective, available at all times and under any conditions, and available through various media devices.
    - FEMA initiated several pilot projects aimed at furthering those goals, including upgrading the digital capabilities of public radio and television, providing more geographically-targeted alerting capabilities, and upgrading and expanding the relay distribution system.
    - **The 14 pilot programs have concluded and many stakeholders fear that FEMA does not have a clear plan of how IPAWS intends to function in the future. Several questions remain unanswered, including the lack of a clear articulation of the intermediate goals of IPAWS, the timeline for full-scale implementation of the system, and perhaps, most importantly, what an upgraded, integrated system will look like and how FEMA intends to achieve it.**
    - Cleary, the Federal Government can not operate in a vacuum. State, local, and tribal governments and the private sector have specific roles and responsibilities in disseminating alerts and they must work together. We can not afford to allow a haphazard and uneven version of EAS implemented across the country.

- **Opening Statement By Subcommittee Chair, Eleanor Holmes Norton**
  http://transportation.house.gov/Media/File/Economic%20Development/20080604/EHN.pdf
    - With IPAWS pilot projects coming to an end, however, **many stakeholders are expressing frustration that the IPAWS program does not have a clear plan and timeline for finishing the various tasks that still need to be completed.** Several states and localities have begun modernizing their own systems in the absence of federal guidance and consensus.

H.R. 6038: Integrated Public Alert and Warning System Modernization Act of 2008
This bill was introduced on May 13th and referred to subcommittee

- To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the President to modernize the integrated public alert and warning system of the United States, and for other purposes.
    - Sponsor: Rep. Samuel Graves [R-MO]
    - Cosponsors: Rep. John Boozman [R-AR], Rep. Jo Ann Emerson [R-MO], Del. Eleanor Norton [D-DC], Rep. Lee Terry [R-NE] and Rep. Todd Tiahrt [R-KS]

Integrated Public Alert and Warning System Modernization Act of 2008 - Amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the President, acting through the Director of the Federal Emergency Management Agency (FEMA), to:

(1) modernize and implement the integrated U.S. public alert and warning system to ensure that the President can alert governmental authorities and the civilian population in areas endangered by disasters under all conditions;
(2) assign to the National Continuity Programs Directorate responsibility for advising on system modernization and implementation;
(3) establish or adopt common alerting and warning protocols, standards, terminology, and operating procedures;
(4) include in such system the capability to adapt the distribution and content of communications on the basis of geographic location, risks, or personal user preferences and to alert individuals with disabilities or limited English proficiency; and
(5) ensure the conduct of training, tests, and exercises.

Requires the system to:

(1) incorporate multiple communications technologies;
(2) be designed to adapt to and incorporate future technologies for communicating directly with the public;
(3) be designed to provide alerts to the largest portion of the affected population feasible and improve the ability of remote areas to receive alerts;
(4) promote local and regional partnerships to enhance community preparedness and response; and
(5) provide redundant alert mechanisms.

Requires the Director to conduct pilot programs to demonstrate the feasibility of using a variety of methods for achieving system requirements.

Emergency Alert System: Promoting an Effective Emergency Alert System on the Road to a Next Generation EAS Summit held on May 19, 2008
http://www.fcc.gov/pshs/summits/eas/#summit_brief

In line with the Commission's 2007 Second Report and Order on EAS that was released last July, the Summit discussions focused on the current state of the nation's EAS and what's needed to transition to a more robust, next generation alert and warning system to help ensure that all citizens receive accurate and timely information during emergencies.

The agenda for the summit included two panels. Panel One was hosted by PSHSB Policy Division Chief Tom Beers. Panelists included Ann Arnold, President of the Texas Association of Broadcasters; Mark Manuelian, Chair of the Massachusetts SECC and Director of the Primary Entry Point Advisory Committee (PEPAC); Dale Gehman, President of Gehman Compliance and Consulting (Akron, PA); and Steve Johnson, Owner of Johnson Telecom (Charlotte, NC). Mr. Gehman and Mr. Johnson are long-time advisors to the broadcast and cable industries regarding emergency warning issues.

The panel presented a robust discussion of various issues relating to how the current EAS functions and how well its architecture and operations are maintained. These issues included an overview of the status of EAS player relationships, including the Federal Emergency Management Agency (FEMA); the National Weather Service (NWS); State Emergency Operations Committees (EOCs) and other state and local public safety authorities who have access to the EAS; and EAS Participants, including radio and TV broadcasters, cable and wireless cable service providers, DBS and SDARS providers, and Wireline Video service providers. Panelists then discussed the readiness of the current EAS PEP stations and the readiness of EAS delivery system architectures in the several states. Panelists agreed that the state of the EAS in individual states often reflects the degree of commitment by state and local authorities to participate in the EAS, and that a better education campaign might persuade strong and consistent investment of state and local government resources. Funding resources are key to maintaining EAS readiness, including funding directed to training state and local alert officials and staff who inject warnings and other alert information into the EAS. Training of such personnel, as well as training of EAS Participant staff regarding the proper use and maintenance of EAS equipment, is essential to prevent system mis-feeds and failure, but such training is not consistently available. Panelists advocated a more vigorous federal commitment to training programs, as well as federal funding more generally, to support the evolution of the EAS from its current "daisy chain" transmission architecture to a redundantly-designed, CAP-based Next Generation delivery system.

The second panel focused on next generation technologies and explored what policies and protocols should be implemented to ensure compatibility between Federal implementation of the Common Alert Protocol (CAP) architecture and state government operations. Panel Two was hosted by PSHSB Chief Engineer Bill Lane. Panelists included Ms. Malena Barzilai, Senior Counsel for the Association of Public Broadcasters; Mr. Art Botterell, developer of the Common Alerting Protocol (CAP) and Manager of the Contra Costa County, California, Community Warning System; Mr. Lance Craver, Program Director of FEMA's Integrated Public Alert and Warning System (IPAWS); Mr. Clay Freinwald, from Entercom, Inc. and Chair of the EAS Committee of the Society of Broadcast Engineers; Mr. Craig Hodan, National Oceanic and Atmospheric Administration; and Ms. Suzanne Goucher, President and CEO of the Maine Association of Broadcasters.

In a lively and spirited session, panelists further emphasized funding issues mentioned in the previous panel and what states are expected to do to ensure that their state, county and local emergency response systems are fully compliant and functional in a new system design. Panelists expressed that industry and broadcasters were anxious to begin the implementation of CAP and were awaiting release and designation of the appropriate CAP protocols by the Department of Homeland Security, Federal Emergency Management Agency. In addition to re-emphasizing the need for CAP training and Federal funding for the next generation EAS, panelists urged the Federal government to assume a leadership role in defining the system architecture, establishing the CAP guidelines, and allowing industry to development the system implementation. A number of other peripheral issues were also discussed including administration of the system, authentication and verification issues for state and local emergency injects into the system, targeting of specific messages, testing programs, and equipment certification.

FEMA Announces it will support the Alert Aggregator role in response to the Commercial Mobile Service Alert Advisory Committee (CMSAAC) Recommendations

CMSAAC's mission was to develop recommendations on technical standards and protocols to facilitate the ability of commercial mobile service (CMS) providers to voluntarily transmit emergency alerts to their subscribers. The Federal Communications Commission (FCC) established the committee pursuant to Section 603 of the Warning, Alert and Response Network Act (WARN Act), which was enacted on October 13, 2006. Under the WARN Act, the CMSAAC was required to submit its recommendations to the Commission. The CMSAAC met this deadline and has completed its work.

In a May 30th press release, "**FEMA to Assume Aggregator/Gateway Role for Nationwide Cell Phone Alert System",** http://www.fema.gov/news/newsrelease.fema?id=43619 FEMA announced that it will perform the unified aggregator/gateway role for the Commercial Mobile Alert System, mandated by the Warning Alert Response Network (WARN) Act. It is anticipated that the Alert Aggregator/Gateway system, which has not yet been designed or engineered, will be able to verify that federal, state and local emergency alerts are sent by 'authorized senders,' and then transmit the alerts to commercial mobile service providers, which will, in turn, send them to their cellular subscribers in specific geographic areas.

FEMA spelled out a number of conditions that it believes will create an environment in which it can successfully administer the Aggregator/Gateway system, as follows:

- The federal Aggregator will interface with, but not interfere with, existing state and local alerting systems.
- The states will be responsible for determining and identifying those persons who have the authority to send alerts for their specific jurisdictions.
- The federal Aggregator system will be engineered with DHS/Science and Technology scientists.

In a related matter, Rainville said that FEMA will announce its position on adopting the Common Alert Protocol (CAP) within the next 30 to 60 days [i.e., June 30 to July 30].

FEMA to Assume Aggregator/Gateway Role for Nationwide Cell Phone Alert System

Release Date: May 30, 2008
Release Number: HQ-08-090

http://www.fema.gov/news/newsrelease.fema?id=43619

WASHINGTON, D.C. -- The Department of Homeland Security's Federal Emergency Management Agency (FEMA) announced today that it will perform the unified aggregator/gateway role for the Commercial Mobile Alert System, mandated by the Warning Alert Response Network (WARN) Act. It is anticipated that the Alert Aggregator/Gateway system, which has not yet been designed or engineered, will be able to verify that federal, state and local emergency alerts are sent by 'authorized senders,' and then transmit the alerts to commercial mobile service providers, which will, in turn, send them to their cellular subscribers in specific geographic areas.

"FEMA supports the framework developed by the Federal Communications Commission for delivering cellular alerts and we have determined that we have both the necessary authorities and technical solutions to assume the responsibility as the federal cellular Alert Aggregator. We will work with DHS Science and Technology scientists to finalize the technical solutions and with the Federal Communications Commission as we make the Alert Aggregator operational," Maj. Gen. (Ret) Martha Rainville, assistant director of the National Continuity Programs Directorate, said. "We appreciate the FCC's collaboration with FEMA on developing the best solution for the cellular Alert Aggregator." System development and finding solutions to technical issues will be required in order to make the system work, including the development of technical specifications that will allow emergency alerts to override and preempt non-emergency traffic, Rainville said.

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- The states will be responsible for determining and identifying those persons who have the authority to send alerts for their specific jurisdictions.
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In a related matter, Rainville said that FEMA will announce its position on adopting the Common Alert Protocol (CAP) within the next 30 to 60 days.

"Arriving at standards and protocols that work for everyone is a complex and timely process, she said. "But FEMA is working with the National Oceanic and Atmospheric Administration, the National Weather Service, state, local, tribal, and territorial emergency managers, nonprofit sector groups, and the FCC to develop CAP profiles that that will support the various alert and warning systems can be integrated into the various alert and warning systems and needed by the state, local, tribal, and territorial emergency managers to protect their residents.

Rainville added that FEMA is committed to further developing the Integrated Public Alert and Warning System to allow for the integrated and interoperable use of modern technologies to deliver alerts and warnings to more people in more locations through more dissemination paths.

This year FEMA and its partners will add more PEP station coverage and roll out the State Digital Emergency Alert System to 13 states and one territory; Alabama, Alaska, Florida, Louisiana, Mississippi, New Jersey, Texas, South Carolina, Puerto Rico, and an additional five states in FEMA Regions IV and VI. Those under consideration are Arkansas, Georgia, Kentucky, North Carolina, New Mexico, Oklahoma and Tennessee.

FEMA coordinates the federal government's role in preparing for, preventing, mitigating the effects of, responding to, and recovering from all domestic disasters, whether natural or man-made, including acts of terror.

Last Modified: Friday, 30-May-2008 14:17:07

Additional Background on Past Initiatives

Katrina Panel

http://www.fcc.gov/pshs/docs/advisory/hkip/karrp.pdf
The mission of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks (Katrina Panel or Independent Panel) was to review the impact of Hurricane Katrina on the telecommunications and media infrastructure. The Independent Panel studied the impact of Hurricane Katrina on all sectors of the telecommunications and media industries, including public safety communications. The panel also reviewed the sufficiency and effectiveness of the recovery effort with respect to the communications infrastructure. On June 12, 2006, the Independent Panel made recommendations to the Federal Communications Commission regarding ways to improve disaster preparedness, network reliability, and communications among first responders.

Emergency Alert System

The Emergency Alert System (EAS) is a national public warning system that requires broadcasters, cable television systems, wireless cable systems, satellite digital audio radio service (SDARS) providers and, direct broadcast satellite (DBS) service providers to provide the communications capability to the President to address the American public during a National emergency. The system also may be used by state and local authorities to deliver important emergency information such as AMBER alerts and weather information targeted to a specific area.

The FCC, in conjunction with Federal Emergency Management Agency (FEMA) and the National Oceanic and Atmospheric Administration's National Weather Service (NWS), implement EAS at the federal level. The President has sole responsibility for determining when the EAS will be activated at the national level, and has delegated this authority to the director of FEMA. FEMA is responsible for implementation of the national-level activation of EAS, tests, and exercises. The NWS develops emergency weather information to alert the public of imminent dangerous weather conditions.

The FCC's role includes prescribing rules that establish technical standards for EAS, procedures for EAS participants to follow in the event EAS is activated, and EAS testing protocols. Additionally, the FCC ensures that EAS state and local plans developed by industry conform to the FCC EAS rules and regulations.

The FCC continues to implement its EAS responsibilities in an on-going rulemaking proceeding. In its July 12, 2007 Second Report and Order and Further Notice of Proposed Rulemaking issued in EB Docket 04-296, the FCC addressed various aspects of the current EAS and also explored necessary steps to advance the so-called "**Next Generation EAS**." The Commission stated that a reliable "wide-reaching public alert and warning system is critical to public safety" and that the EAS network should permit "officials at the national, state and local levels to reach affected

citizens in the most effective and efficient manner possible." Among actions taken by the Second Report and Order, the Commission ordered that all EAS Participants must be able to receive messages formatted pursuant to the Common Alert Protocol (CAP 1.1) within 180 days of the adoption of said protocol by FEMA. The Commission also allowed mandatory use of the EAS by a state governor following introduction of CAP, providing that the delivery and transmission of such messages is described in a state EAS plan that is reviewed by the FCC.

In the Further Notice attached to the Second Report and Order, the FCC has requested comment on various issues, including enhancing the provision of EAS alerts to non-English speakers and persons with sight and hearing disabilities, whether EAS participants should be required to receive and transmit alerts initiated by government entities other than a state governor, and options for ensuring that EAS operates as designed in an emergency.